

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

BOY RACER, INC.,

Plaintiff,

v.

DOE 1,

Defendants.

Case No.: 11-CV-2329-PSG

**ORDER DENYING PLAINTIFF'S EX-  
PARTE MOTION FOR LEAVE TO  
TAKE FURTHER EXPEDITED  
DISCOVERY**

**(RE: Docket No. 18)**

Plaintiff Boy Racer, Inc. ("Boy Racer") applies ex parte for leave to take further expedited discovery.

In its September 13, 2011 order, the court withdrew its previous order permitting limited expedited discovery and explained that no pending or proposed request for further discovery would be permitted.<sup>1</sup> Because there is little purpose in repeating the reasoning of that decision, the court will not do so except to note the following. Expedited discovery in this district requires a showing of good cause pursuant to Fed. R. Civ. P. 26(d).<sup>2</sup> Among the considerations the court must weigh in evaluating good cause is "the administration of justice."<sup>3</sup> The foundation for the previous order authorizing limited expedited discovery was a representation that the discovery sought would "fully

<sup>1</sup> See Docket No. 17.

<sup>2</sup> See *Semitoool, Inc. v. Tokyo Electron Am., Inc.*, 208 F.R.D. 273, 275 (N.D. Cal. 2002).

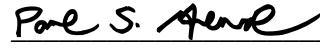
<sup>3</sup> *Id.*

1 identify" "each P2P network user suspected of violating the plaintiff's copyright."<sup>4</sup> Where that  
2 representation is later revealed to be incomplete or even false, and still further and far more  
3 invasive discovery of a third party is requested long before any defendant is actually named, the  
4 court cannot find any "good cause" to justify the request.

5 Boy Racer's application is HEREBY DENIED.

6 **IT IS SO ORDERED.**

7 Dated: ; 11/14/2011

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10 PAUL S. GREWAL  
11 United States Magistrate Judge  
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<sup>4</sup> See Docket No. 17 at 3.